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**NOV 3 0 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Edmonds and Comito : DECISION ACCORDING STATUS  
Application No. 09/805,492 : UNDER 37 CFR 1.47(b)  
Filed: 13 March, 2001 :  
Atty Docket No. DIVA/246DIV3 :

This is a decision in response to the renewed petition filed on 28 September, 2006, under 37 CFR 1.47(b).

The petition is **GRANTED**.

Petitioners have shown that the joint inventors have refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners shown, via the declaration of Evadne Pickett-Walker, that a copy of the application was sent to each of the non-signing inventors. Inventors Jeremy S. Edmonds and John P. Comito, however, have failed to sign and return the declaration naming them as joint inventors. Additionally, petitioners presented copies of employment agreements signed by both joint inventors showing that petitioner DIVA Systems Corporation, the assignee of record at the time the application was filed, has a proprietary interest in the above-identified application. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63, signed by Stephanie A. Storms, Senior Vice President of DIVA Systems Corporation, and has demonstrated that such action is necessary to preserve the rights of the parties.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the

residence address listed on the declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application file is being referred to the Publishing Division for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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John P. Comito  
907 Pleasant Hill Road  
Redwood City CA 94061

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**NOV 30 2006**

**OFFICE OF PETITIONS**

In re Application of  
Edmonds et al.

Application No. 09/805,492

Filed: 13 March, 2001

For: METHOD AND APPARATUS FOR PERFORMING SUB-PICTURE LEVEL SPLICING BASED ON INTERRUPTS

Dear Mr. Comito:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

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